

Termination of Life on Request and Assisted Suicide

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Abstract

The right to life in Georgia is guaranteed by the constitution which clearly states that everyone has the inviolable right to life and this right is protected by the law (6). In Georgian jurisdiction, euthanasia as the term is defined as follows: "Euthanasia - intentional termination of life on request of the patient who suffers from the terminal illness when the death is unavoidable" (7). The word "euthanasia" comes from the Greek words and means "good, easy death"(1). It consists of two parts - "eu" meaning "good" and "thanatos" meaning - "death". It means a deliberate hastening of a person's death or ending a life of the patient who is terminally ill and has incurable illness in order to relieve intractable suffering. Euthanasia is not a strange phenomenon in the modern world, though one can say that for certain categories of countries it really is. Society is diverse. Accordingly, each person has different opinion on different matters. It is logical that the diversity of opinions and plenty of controversies about the abovementioned issue is caused by its topical nature and scale. Topicality of the problem creates the base of searching preventive mechanisms of the ways of its solution. I would like to emphasize that it would be better to prevent the crime in advance, rather than thinking of a punishment after its commitment. A number of topical issues are discussed in sequence in the article, such as the modern scientific approach on the given issue, areas of the legislative base in Georgia and in the rest of the world, preventive measures, examples, discussion of the issue in the context of religion and what changes should be made in the field of crime prevention in Georgian preventive policy in the nearest future.

Keywords: Murder, suicide, victim, termination of life on request

Introduction

Alongside with the development of medicine to some theories, in the 20th century civilized European countries came into existence the so-called - "Easy death" which had taken a particular direction towards incurable diseases. The idea of a legalizing Euthanasia was forming long ago. It is still

referred to in "Utopia" by Thomas More. Understanding the concept of euthanasia itself as the death of terminally ill patients - to relieve the suffering [3] takes place from the 16th century. Euthanasia is being discussed in medical science; in particular, broadly it would include:

- Annihilating any person's life (unsound mind, mentally handicapped);
- Hastening annihilation of those ill patients who are in the last stages of the disease;
- Decreasing the rate of suffering before death without hastening death (2).

Historical review

Euthanasia is mentioned in Hippocratic Oath which was written about 400-300 BC. Hippocrates wrote in his oath: "I will prescribe deadly medicine to nobody or will not give him/her advice leading to death for relieving their conditions" (4).

Despite this, ancient Greeks and Romans did not believe that life should have been preserved with any effort. Therefore, they were tolerant towards suicide in the cases when the heavy condition of the patient could not be relieved or in an exception – when a person did not care about his/her life. Since 1300 until the middle of last century, according to the English Common Law, suicide was a culpable action and still today helping others in suicide is considered as an illegal act. According to the Roman law, a person's consent and desire to die excluded the illegitimacy of his/her action. In the middle ages, strengthening of social order, the variation of events and the role of the church had a certain influence on society. In this period, the beliefs were being formed about the right style to living. According to this, a person does not have the right to rule his/her life. The direct desire and agreement of the person about devastating life is considered as a crime and its legal analysis often requires the qualification of murder. Later in 17- 18th century, views appear that Euthanasia, e.g. the case given above, when a doctor appeals to an annihilation of death, despite the desire and will of sick people, have to be considered as independent and different form of crime. In the 18th century, the view was formed and according to this "Will murder" facts to depart from the deliberate killing sphere and at this time should be used relatively light crime. Though, this opinion was not shared by either Europe or by Anglo Saxon law. So, such kind of Euthanasia practice was not inculcated and in many countries cases like these were qualified as crimes of murder line.

Nowadays, Euthanasia is not a novelty for the world. It was first admitted in 1996 in the southern region of Australia. Since April 2002, it was legalized in the Netherlands and in 1997 in the US State - Oregon. In the

Netherlands one can call the brigade of doctors who undergo euthanasia to the patient without leaving home. There is also the Church of Euthanasia which was founded by Chris Korda. She proves that the life on earth is in danger because of the people who are in "the second dimension". "Save the planet" kill yourself, so has euthanasia church emerged.

Nowadays, the right of euthanasia is a subject of discussion as it is one of the most arguable medical, religious, political and ethical issues. Euthanasia is widely implemented in Nordic Countries and it is encouraged by the states; however, it is banned in some countries and in some places generally exists no regulation issue of legislative database (5).

We can give an example of various forms of Euthanasia from the close history: in Germany, dictator's so called "Euthanasia Program" "Mad Plan" was legitimated on July 14, 1939. Racial hygiene and forced Euthanasia process was followed by the legislation of "Mad Plan". The cleaning of the state from the people who are only "Economic Burden" and proceeding from the physical-mental imperfection were not able to fill the higher ranks of nation. After defeating Fascists, the whole world community condemned awful practices of forced euthanasia and sharply negative attitude towards this issue was settled. In 1828, in the state of New York the first law of anti-euthanasia was issued. It was followed by the same acts in many other places and states.

Classification

There are active and passive kinds of euthanasia. The form of "Active Euthanasia" means applying such drugs towards incurably infected patient that will hasten death. The form of "Passive Euthanasia" means quitting additional therapy to incurably infected human being that also causes his/her death as a result. Euthanasia is a sort of choice among life and death that is executed by the third person according to a patient's request. There is also a voluntary, non-voluntary and involuntary form of euthanasia. The question – why do people wish euthanasia -often arises. Most of the people thinking that unbearable pain is the primary reason of euthanasia. However, the studies conducted in the US and the Netherlands clarified that only less than one third of euthanasia requests was caused by the unbearable pain.

Topicality

The issue is topical as there are radically different positions and approaches among the various branches of society. Euthanasia is a disputable issue not only because many different moral dilemmas are associated with it, but because of its definition itself. It should be noted that in Georgia the act of euthanasia is prohibited and punishable. Implementing euthanasia

causes criminal liability and equals to the Article 110 from the "Criminal Procedure Code of Georgia" according to which: "Murdering victim according to his/her persistent begging and according to his/her real wish to relieve from deathly physical pain, is being punished by preventing freedom from two to five years" (8). It is emphasized in the Georgian legislation that "Medical Personnel as well as any other person is prohibited to perform the act of euthanasia as well as to take part in the process of performing it" (2). As for the arguments of people supporting euthanasia: Firstly, living is right and not duty. Therefore, it means having the right of death itself. Every person has the right to make choice between living and death. Secondly, we cannot make a person suffer from unbearable pain. It is a greater sin to watch him/her suffering than to release him/her from it. The euthanasia supporters say that: a person has the right of making choice. If he/she is tired of living, then the doctors should "help" him/her in smooth death. They consider that it should be proved by the legislation. Voluntary euthanasia supporters focus on the fact that the choice is the fundamental principle of liberal democracies and free market systems. The pain and suffering that the patient deals with while being ill is not vivid for people who have not experienced it themselves.

As for the positions and arguments of the foregoing opponents, there are number of arguments based on practical issues. According to some humans' view, in case euthanasia is morally justified, it must not be legalized. It will be misused for hiding murdering facts. Discussing the issue in case of religion, euthanasia is the fact of suicide, more correctly, it is contributing, and suicide is the greatest sin. Human has the right of living and the life itself and enacting it is not his/her right. Only God has the right to grant and take away the life."

Conclusion

We should consider euthanasia not only in legal or in any other setting. It requires a thorough analysis of the moral-legal and medical terms. The only similarity between them is the fact that there is no consensus on the issue. As for the moral aspect, there is a dispute between law and medical scientists. In case of science, doctors have not come up with general consensus. They are reluctant or afraid of simply saying - "too much responsibilities". In case of law, national legislatures and international legal principles could not reach a consensus in terms of legislature. More importantly, the issue of euthanasia is at the international level - a confrontation between the right to life and prohibition of torture. It is also clear that the international community is reluctant to unambiguous statements, fearing not to revise a dispute between national legislation and

some international principles. In particular, according to the Article 110 of the "Criminal Procedure Code of Georgia" – for giving right qualifications of the murder subjective composition are taken into consideration - murders are held at direct intent, however, is based on the request of the dying, and the motive of the crime is regret towards victim. Admitting euthanasia is unacceptable for European Court– the Court of Strasbourg admitted euthanasia as the attempt upon life.

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